

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| MARIO LACY, |) | |
| Plaintiff |) | C.A No. 04-11492REK |
| |) | |
| v. |) | PLAINTIFF MARIO LACY'S MOTION TO |
| |) | AMEND COMPLAINT BY DISMISSING |
| WILLIAM J. FEENEY, KENNETH |) | JUAN J SEOANE AS A DEFENDANT |
| HEARNS, JUAN J. SEOANE, |) | AND ADDING JEAN ACLOGUE AS A |
| and the CITY OF BOSTON, |) | DEFENDANT AND PROPOSED |
| Defendants |) | AMENDED COMPLAINT |
| |) | |

Now comes the Plaintiff Mario Lacy in the above-captioned proceeding, and respectfully moves this Honorable Court, pursuant to Fed.R.Civ.P. 15, to amend the Complaint so as to dismiss Juan J Seoane as a defendant and add Jean Aclogue as a defendant. As grounds therefor, Plaintiff states that upon receipt of discovery in this case, it was determined that the proper defendant for the actions attributed to Juan Seoane is Jean Aclogue. Mr. Aclogue was interviewed by internal affairs relative to the incident on October 10, 2001, so he is well aware of the incident at issue. He thus knew that "but for the mistake concerning the identity of the proper party, the action would have been brought against" him. *See* Fed.R.Civ.P. 15(c)(3). Furthermore, the defendant City of Boston is representing all of the individual parties so there will be no prejudice.

Respectfully submitted,
The Plaintiff Mario Lacy,
By his attorneys,

//S//Jessica D Hedges

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CERTIFICATE OF SERVICE

I, Jessica D Hedges, hereby certify that on this 11th day of May, 2005, I served a true and correct copy of the foregoing MOTION TO AMEND COMPLAINT BY DISMISSING JUAN SEOANE AS A DEFENDANT AND ADDING JEAN ACLOGUE AS A DEFENDANT AND PROPOSED AMENDED COMPLAINT, where unable to do so electronically, by United States First-Class Mail, postage prepaid, as follows: Karen Glasgow, Esq., Jim Chernetsky, Esq., Civil Rights Div/Law Dept, City Hall, Rm 615, Boston, MA 02201.

//S//Jessica D Hedges
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